

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

DEBORAH LAUFER, Individually,

v.

Case No. 8:20-cv-01974-PX

FT. MEADE HOSPITALITY, LLC,
A Maryland Corporation,

**MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF'S MOTION TO AMEND COMPLAINT**

This memorandum of law is being submitted on behalf of plaintiff in support of her motion for leave to file an amended complaint. In her original complaint, which was filed on July 3, 2020, plaintiff alleges that Defendant's websites were in violation of the ADA. As demonstrated below, plaintiff is entitled to an order from this Court granting leave to amend the complaint with respect to this Honorable Court's 11/3/2020 Order denying Plaintiff's Motion for Default Judgment due to lack of standing.

ARGUMENT

I. LEAVE TO AMEND THE COMPLAINT SHOULD BE GRANTED BECAUSE OF THE ABSENCE OF ANY FACTORS JUSTIFYING DENIAL OF THIS RELIEF WHICH SHOULD BE "FREELY GIVEN."

"[FRCP] Rule 15(a) declares that leave to amend 'shall be freely given when justice so requires'; this mandate is to be heeded." *Forman v. Davis*, 371 U.S.178, 182 (1962). Indeed, the Supreme Court has instructed that:

In the absence of any apparent or declared reason-such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously

allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.-the leave sought should, as the rules require, be "freely given."

Id. See also, Monahan v. New York City Dep't of Corrections, 214 F.3d 275, 283 (2d Cir. 2000) ("absent evidence of undue delay, bad faith or dilatory motive on the part of the movant, undue prejudice to the opposing party, or futility, Rule 15's mandate must be obeyed").

This Court's 11/10/20 Order specifically states that this dismissal is "without prejudice to give Laufer the opportunity to cure the defects, if possible". Thus, Plaintiff's request for leave to file an amended complaint should be granted.

CONCLUSION

Plaintiff is entitled to an order granting leave to file an amended complaint pursuant to FRCP Rule 15(c)(1)(C)(ii) in this action, together with such other, further, or different relief, as to the Court may seem just and proper.

Dated: November 13, 2020

Attorneys for Plaintiff:

/s/ Tristan W. Gillespie
Tristan W. Gillespie, Esq.
Thomas B. Bacon, P.A.
5150 Cottage Farm Rd.
Johns Creek, GA 30022
ph. (404) 276-7277
Gillespie.tristan@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2020, I emailed this memo with all exhibits to:

Ft. Meade Hospitality, LLC
c/o Amit B. Vora
1 North 2nd Street
Laurel Md 20707

/s/ Tristan W. Gillespie
Tristan W. Gillespie, Esq.
Thomas B. Bacon, P.A.
5150 Cottage Farm Rd.
Johns Creek, GA 30022
ph. (404) 276-7277
Gillespie.tristan@gmail.com